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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,949	09/15/2000	Ludovic Pierre	5266-03001	1679

44015 7590 05/31/2005

OPTV/MEYERTONS  
THE CHASE BUILDING  
700 LAVACA, SUITE 800  
AUSTIN, TX 78701

EXAMINER
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HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/662,949

Applicant(s)

PIERRE ET AL.

Examiner

Son P. Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-45 is/are allowed.
- 6) ☒ Claim(s) 46 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to newly submitted claims 26-47 have been considered. Applicant's argument regarding to claims 26-45 is persuasive. Claims 46-47 are rejected are discussed below.

Claims 1-25 have been cancelled.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 46-47 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Feinleib (US 6,637,032).

Art Unit: 2611

Regarding claim 46, the limitations of the claimed method implemented in an interactive television system is met by Feinleib's disclosure as follow:

"receiving a pushed signal" is met by receiving a signal by viewer computing unit (figure 6, col. 10, lines 28-38);

"parsing at least a portion of the pushed signal to extract one or more data objects" is broadly met by parsing the received signal to extract data objects in the program (col. 10, 18-col. 11, line 38);

"detecting a data object of said one or more data objects corresponds to a program not included in said pushed signal" is broadly met by detecting any data object that is not included in the primary program received by receiver (104) (for example, data object correspond to enhancing content received via modem (108) – figure 6 and col. 10, line 66-col. 50);

"caching the data object" is broadly met by caching data object corresponding to primary program or enhancing content in recording device such as computer disk or other storage medium (col. 9, lines 30-67);

"subsequently receiving and presenting the program corresponding to the cached data object" is met by receiving and presenting the primary program with enhancing content (figure 6 and col. 11, lines 16-67);

"accessing the cached data object" is broadly met by accessing data object of primary program and enhancing content which was cached in a storage medium (e.g. computer disk, web site, storage device – col. 9, lines 26-67; col. 11, line 16-col. 12, line 63);

Art Unit: 2611

“presenting the cached data object as part of the program” is broadly met by presenting data object of primary program or enhancing content on the screen (col. 5, lines 45-55).

Regarding claim 47, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 46, and are analyzed as discussed in the rejection of claim 46, wherein the claimed system is met by system (20) – figure 1.

***Allowable Subject Matter***

4. Claims 26-45 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or fairly suggest a method implemented in an interactive television system for storage of a pushed program including live data objects as variously claimed, particularly, having the feature of in response to detecting the program is to be stored for deferred playback: storing first data objects of said first set on a mass storage device, in response to detecting said first data objects are non-live data objects; and storing a reference to a second data object of said first set on said mass storage device, in response to detecting said second data object is a live data object.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blacketter et al. (US 6,415,438) discloses trigger having a time attribute.

Kate (WO 98/53611) discloses transmission and reception of television programs.

Knudson et al. (US 6,536,041) teaches program guide system with real time data sources.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH

May 15, 2005



CHRIS GRANT  
PRIMARY EXAMINER